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# Legislative Bulletin

An Official Publication of the Hilliard City Council

**Publication Date: October 26, 2021**

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## ORDINANCES

**The following Ordinances were passed on October 25, 2021**

**21-30 AMENDING AND UPDATING CERTAIN SECTIONS OF PART THREE - THE "TRAFFIC CODE", OF THE CITY'S CODIFIED ORDINANCES TO ALIGN WITH OHIO REVISED CODE AND THE CITY'S CURRENT FORM OF GOVERNMENT.**

**WHEREAS**, Part Three of the City's Codified Ordinances – the "Traffic Code" has been reviewed by the City's Codifier, Municode and the Administration in order to address certain changes in the Ohio Revised Code and update/align with the City's current form of government; and

**WHEREAS**, it is necessary to update the "Traffic Code" to ensure that it corresponds with and does not conflict with Ohio Revised Codes regarding the same or similar topics; and

**WHEREAS**, it is necessary to update certain sections of the "Traffic Code" in order to align with the City's change in form of government as well as outdated code sections; and

**WHEREAS**, the City desires to address the use of bicycles and other personal mobility devices within the City, and specifically on sidewalks and shared-use paths; and

**WHEREAS**, the Administration desires to amend the "Traffic Code", as outlined in Exhibit "A", attached hereto and incorporated herein; and

**WHEREAS**, the City believes that amending the "Traffic Code", as identified in Exhibit "A", attached hereto and incorporated herein, promotes the general health, safety, and welfare of the City and its residents.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Hilliard, Ohio, that:

**SECTION 1.** Council finds that amending Part Three of the City's Codified Ordinances - the "Traffic Code", as identified in Exhibit "A", **attached** hereto and incorporated herein, is in the City's best interest. The changes and additions to the "Traffic Code", as shown in track changes in the attached Exhibit "A" are approved and shall be incorporated in the City's Codified Ordinances.

**SECTION 2.** All other provisions of the "Traffic Code", not modified herein, remain unchanged and are in full force and effect.

**SECTION 3.** This Ordinance shall be in effect from and after the earliest time provided for by law.

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## **21-31 AMENDING AND UPDATING CERTAIN SECTIONS OF PART FIVE - THE "GENERAL OFFENSES CODE", OF THE CITY'S CODIFIED ORDINANCES TO ALIGN WITH OHIO REVISED CODE AND THE CITY'S CURRENT FORM OF GOVERNMENT.**

**WHEREAS**, Part Five of the City's Codified Ordinances – the "General Offenses Code" has been reviewed by the City's Codifier, Municode and the Administration in order to address certain changes in the Ohio Revised Code and update/align with the City's current form of government; and

**WHEREAS**, it is necessary to update the "General Offense Code" to ensure that it corresponds with and does not conflict with Ohio Revised Codes regarding the same or similar topics; and

**WHEREAS**, it is necessary to update certain sections of the "General Offenses Code" in order to align with the City's change in form of government as well as outdate code sections; and

**WHEREAS**, the Administration desires to amend the "General Offenses Code", as outlined in Exhibit "A", attached hereto and incorporated herein; and

**WHEREAS**, the City believes that amending the "General Offenses Code", as identified in Exhibit "A", attached hereto and incorporated herein, promotes the general health, safety, and welfare of the City and its residents.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Hilliard, Ohio, that:

**SECTION 1.** Council finds that amending Part Five of the City's Codified Ordinances - the "General Offenses Code", as identified in Exhibit "A", **attached** hereto and incorporated herein, is in the City's best interest. The changes and additions to the "General Offenses Code", as shown in track changes in the attached Exhibit "A" are approved and shall be incorporated in the City's Codified Ordinances.

**SECTION 2.** All other provisions of the "General Offenses Code", not modified herein, remain unchanged and are in full force and effect.

**SECTION 3.** This Ordinance shall be in effect from and after the earliest time provided for by law.

## **21-32 AUTHORIZING THE CITY MANAGER TO EXECUTE PURCHASE AGREEMENTS AND A LEASE FOR 2717 ALTON DARBY CREEK ROAD AND AUTHORIZING THE APPROPRIATION AND EXPENDITURE OF FUNDS.**

**WHEREAS**, on June 8, 2020, City Council passed Ordinance No. 19-25 authorizing the City Manager to enter into a Development Agreement with Dublin-Cosgray LLC (the "Agreement"); and

**WHEREAS**, the Agreement stated that Dublin-Cosgray, LLC would construct a sanitary sewer line and a water line to 2717 Alton Darby Creek Road (the "Property"); and

**WHEREAS**, on September 30, 2020, the Developer assigned and transferred all of its rights duties and obligations in the Agreement to Alton Place, LLC (the "Developer"); and

**WHEREAS**, after negotiations between the Developer and the Owner of the Property, and at the direction of City Council, it has been determined that, in lieu of extending the sanitary sewer and water lines, the Owner will sell the Property to the City, allowing for a lease back for nominal cost for a time certain, and following the termination of the lease, the City will sell the Property to the Developer; and

**WHEREAS**, in order to fulfill the terms of the Purchase Agreement with the Owner, the City must appropriate funds in the amount of \$225,000; and

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## 21-32 continued:

**WHEREAS**, the Developer agrees to purchase the Property at the same purchase price following the termination of the lease.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Hilliard, Ohio, that:

**SECTION 1.** The City hereby appropriates \$225,000 in accordance with the Real Estate Purchase Agreement with Roniann Thornton (a/k/a Roniann MacLaughlin) from Fund 304, Object 55.

**SECTION 2.** An expenditure is authorized in an amount not to exceed \$225,000 from Fund 304 Object 55 for the Purchase Agreement.

**SECTION 3.** The City Manager is authorized to enter into a Real Estate Purchase Agreement with Roniann Thornton (a/k/a Roniann MacLaughlin), substantially similar to the one attached hereto as Exhibit "A" and incorporated herein, with such changes that are not inconsistent with this Ordinance and not adverse to the City whose signature thereon shall be conclusive evidence that such changes are approved by Council.

**SECTION 4.** The City Manager is authorized to enter into a Lease Agreement with Gary and Roniann Thornton, substantially similar to the one attached hereto as Exhibit "B" and incorporated herein, with such changes that are not inconsistent with this Ordinance and not adverse to the City whose signature thereon shall be conclusive evidence that such changes are approved by Council.

**SECTION 5.** The City Manager is authorized to enter into a Real Estate Purchase Agreement with Alton Place, LLC, substantially similar to the one attached hereto as Exhibit "C" and incorporated herein, with such changes that are not inconsistent with this Ordinance and not adverse to the City whose signature thereon shall be conclusive evidence that such changes are approved by Council.

**SECTION 6.** This Ordinance shall be in full force and effect from and after the earliest period provided for by law.

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**The First Reading of the following Ordinances was held on October 25, 2021. The Second Reading/Public Hearing is scheduled for November 8, 2021.**

## **21-33 AMENDING CERTAIN SECTIONS OF PART ELEVEN - THE "PLANNING AND ZONING CODE", OF THE CITY'S CODIFIED ORDINANCES.**

**WHEREAS**, on March 22, 2021, City Council passed Ordinance No. 21-09 approving changes to the Planning and Zoning Code (the "Code") to be aligned with the City's form of government and organization structure; and

**WHEREAS**, since that time, City staff has identified areas of the Code to amend in order to clarify certain sections for residents, as well as ease enforcement of various sections; and

**WHEREAS**, the Administration desires to amend the Code, as outlined in Exhibit "A", attached hereto and incorporated herein; and

**WHEREAS**, the City believes that amending the Code, as identified in Exhibit "A", attached hereto and incorporated herein, promotes the general health, safety, and welfare of the City and its residents.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Hilliard, Ohio, that:

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## 21-33 continued:

**SECTION 1.** Council finds that amending Part Eleven of the City's Codified Ordinances - the "Planning and Zoning Code", as identified in Exhibit "A", **attached** hereto and incorporated herein, is in the City's best interest. The changes and additions to the "Planning and Zoning Code", as shown in track changes in the attached Exhibit "A" are approved and shall be incorporated in the City's Codified Ordinances.

**SECTION 2.** All other provisions of the "Planning and Zoning Code", not modified herein, remain unchanged and are in full force and effect.

**SECTION 3.** This Ordinance shall be in effect from and after the earliest time provided for by law.

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## 21-34 ADJUSTING THE EXISTING WARD BOUNDARIES OF THE CITY OF HILLIARD, AS REQUIRED BY SECTION 2.08 OF THE CITY CHARTER AND AMENDING CHAPTER 103 OF THE CODIFIED ORDINANCES.

**WHEREAS**, Section 2.08 of the City Charter requires the City to evaluate the division of the wards of the City following the receipt of the results of each Federal Decennial Census, and requires those wards to be redivided as necessary to configure them as nearly equal in population as possible, taking into account contiguous and compact territory bounded by natural boundaries or street lines; and

**WHEREAS**, Section 2.08 also requires Council to redivide the City into five wards if the Federal Decennial Census reflects an increase in the overall population of the City by at least twenty percent (20%); and

**WHEREAS**, the results of the 2020 Federal Decennial Census data were formally issued to the City by the Ohio Secretary of State on September 21, 2021; and

**WHEREAS**, the results showed more than a twenty percent increase in population since the 2010 census, and therefore a fifth ward is required by 2.08 of the City Charter; and

**WHEREAS**, City staff proposes the depiction and description of the new wards as shown on Exhibits "A" and "B", attached hereto and incorporated herein, and believes that approving the new wards is in the best interest of the City.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Hilliard, Ohio, that:

**SECTION 1.** The corporate limits of the City of Hilliard are divided into the wards as bounded and delineated in "Exhibit A," **attached** hereto and incorporated herein, with the respective population indicated, pursuant to Section 2.08 of the City Charter.

**SECTION 2.** In conjunction with the redivision of the wards as delineated in Exhibit "A", Chapter 103 of the City's Codified Ordinances is hereby amended as set forth in Exhibit "B", **attached** hereto and incorporated herein.

**SECTION 3.** The Clerk of Council shall file a certified copy of this ordinance with the Board of Elections of Franklin County within thirty days after it becomes effective, and further the Clerk of Council shall do all other things with respect to the action taken by this Ordinance as may be required by law.

**SECTION 4.** The Board of Elections of Franklin County is authorized and directed to accept the wards enumerated herein for all purposes of election, as authorized by the Charter of the City of Hilliard.

**SECTION 5.** This Ordinance shall be in effect at the earliest date provided by law.

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## RESOLUTIONS

**The following Resolutions were passed by Hilliard City Council on October 25, 2021.**

**21-R-65     A RESOLUTION APPROVING THE 2021 RECOMMENDATIONS OF THE TAX INCENTIVE REVIEW COUNCIL ("TIRC") FOR THE REVIEW OF COMMUNITY REINVESTMENT AREA AND TAX INCREMENT FINANCING PROJECTS**

**WHEREAS**, the City has Community Reinvestment Area ("CRA") Agreements and Tax Increment Financing ("TIF") projects in the City for purposes of economic development; and

**WHEREAS**, pursuant to R.C. 5709.85(A)(2) the City created a Tax Incentive Review Council (TIRC) to annually review all agreements granting exemptions from property taxation in CRAs and exemptions from property taxation resulting from the declaration of public purpose improvements pursuant to TIF exemptions (the CRA and TIFs collectively hereafter referred to as the "exemption projects"); and

**WHEREAS**, pursuant to Section 5709.85 of the Ohio Revised Code, the City's TIRC must meet annually to review all exemption projects as to compliance with applicable statutes and agreements; and

**WHEREAS**, the City's TIRC held its annual public meeting on August 16, 2021, to review the exemption projects in the City, and after full discussion, voted to recommend the continuation of each exemption project; and

**WHEREAS**, by law, City Council must vote to accept, reject, or modify all or any portion of the TIRC recommendations.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Hilliard, Ohio that:

**SECTION 1.** City Council accepts the recommendations of the Hilliard Tax Incentive Review Council to maintain the approved exemption projects identified in Exhibit "A" attached hereto and incorporated herein.

**SECTION 2.** The Clerk of Council shall forthwith send a certified copy of this Resolution to the Franklin County Auditor.

**SECTION 3.** This Resolution is effective upon adoption.

**21-R-66     AUTHORIZING THE CITY MANAGER TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH BOYETTE STRATEGIC ADVISORS TO COMPLETE THE HILLIARD RECOVERY AND ECONOMIC DEVELOPMENT STRATEGY.**

**WHEREAS**, Quality Commercial Development is one of Hilliard City Council's Strategic Focus Areas which states that the City will create and implement an economic development plan focused on the attraction, retention, growth and creation of businesses and jobs that provide a strong tax base and quality development; and

**WHEREAS**, on September 3, 2021, the Economic Development Department issued a Request for Proposals for the selection of a consulting firm to complete the Hilliard Recovery and Economic Development Strategy; and

**WHEREAS**, five proposals were received by the due date of October 4, 2021; and

**WHEREAS**, Boyette Strategic Advisors' proposal was selected through a competitive scoring process; and

**WHEREAS**, Hilliard City Council passed Resolution No. 21-R-53, which authorized the City Manager to accept \$50,000 from the U.S. Department of Commerce's Economic Development Administration; and

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## 21-R-66 continued:

**WHEREAS**, pursuant to Ordinance No. 20-28, funds deposited into the City's grant account are deemed appropriated upon deposit into Fund 250, Object 53, and pursuant to the City's Charter, authorization to enter into necessary agreement and expend the grant funds may be made by Resolution of Council.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Hilliard, that:

**SECTION 1.** An expenditure in the amount not to exceed \$115,000 is authorized from Fund 250/101 Object 53.

**SECTION 2.** The City Manager is hereby authorized to enter into an agreement with Boyette Strategic Advisors for the completion of the Hilliard Recovery and Economic Development Strategy at a total cost not to exceed \$115,000.

**SECTION 3.** The City Manager is authorized to sign and execute any and all documents or agreements necessary to effectuate the professional services as authorized hereunder.

**SECTION 4.** The Finance Director is authorized to make any accounting changes to revise the funding source for any contract or contract modification associated with the expenditure of the funds.

**SECTION 5.** This Resolution is effective upon its adoption.

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## 21-R-67     **AUTHORIZING THE CITY MANAGER TO SIGN A CONTRACT WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR THE CONSTRUCTION OF FRA-270-12.50 AT CEMETERY ROAD (ODOT PID NUMBER 113655)**

**WHEREAS**, on April 12, 2021, Hilliard City Council passed Resolution No. 21-R-25, which authorized the City Manager to give consent to the Ohio Department of Transportation (ODOT) to complete a project described as follows:

The project consists of improvements to the I-270/Cemetery Road interchange, including lengthening and offsetting the eastbound left-turn lane, median reconstruction, resurfacing, signage, pavement markings, and traffic signal upgrades, lying within the City of Hilliard (hereinafter, "the Project"); and

**WHEREAS**, on September 27, 2021, Hilliard City Council passed Resolution No. 21-R-55, which authorized the City Manager to sign preliminary participatory legislation for the construction of the Project and agree to assume and bear one hundred percent (100%) of the cost difference for any of the higher priced traffic signal alternates selected, including but not limited to vehicle detection, sign hangers, UPS, fiber optic transceiver, or preemption; and

**WHEREAS**, the City will not be required to deposit any funds at this time, and the City's ultimate share of the cost will be determined when final actual costs and allocations are determined; and

**WHEREAS**, the Director of Transportation has approved said legislation proposing cooperation and has caused to be made plans and specifications and an estimate of cost and expense for the Project and has transmitted copies of same to the City; and

**WHEREAS**, this is the Final Resolution and the City desires the Director of Transportation to proceed with the Project.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Hilliard, Ohio, that:

**SECTION 1.** The City of Hilliard hereby requests the Director of Transportation to proceed with the Project.

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## 21-R-67 continued:

**SECTION 2.** The City of Hilliard shall enter into a contract with the State, and that the City Manager is hereby authorized to execute said contract, as shown in Exhibit A, **attached** hereto and incorporated herein, for the Project.

**SECTION 3.** The City shall transmit to the Director of Transportation a fully executed copy of this Resolution.

**SECTION 4.** This Resolution is effective upon its adoption.

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## 21-R-68     **AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT FOR THE 2021 STREET AND PUBLIC LANDS TREE REPLACEMENT PROGRAM (CIP LB-20).**

**WHEREAS**, the City of Hilliard owns and maintains trees on street rights-of-way and public lands in Hilliard; and

**WHEREAS**, the City identified a five-year program in the 2021 Capital Improvement Program (CIP LB-20) to provide funding for the removal and disposal of diseased trees on street rights-of-way and public lands; and

**WHEREAS**, the 2021 Street and Public Lands Tree Replacement Program (the "Project") consists of the removal of City trees infested with the Emerald Ash Borer or other deficiencies and planting new trees at specific locations; and

**WHEREAS**, the City Engineer's cost estimate for the Project in 2021 is \$79,000 as provided for in the bid package; and

**WHEREAS**, after having been duly advertised for two consecutive weeks as required by law, bids for the contract were opened electronically on Bid Express at 2:00 p.m. on October 14, 2021, and DR Lawncare, LLC, which submitted a bid in the amount of \$76,466.00, was determined to be the lowest and best bidder; and

**WHEREAS**, a ten percent (10%) contingency in the amount of \$7,646.60 is available to cover approved change orders; and

**WHEREAS**, funds for the Project were appropriated for CIP LB-20 in the 2021 Capital Improvement Budget in Ordinance No. 20-27 passed by Hilliard City Council on November 23, 2021, and pursuant to Section 3.10 of the Charter of the City, authorization to fund this Project may be established by resolution of Council.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Hilliard, Ohio that:

**SECTION 1.** An expenditure is authorized from Object 55 Fund 304 to pay the costs and expenses for CIP LB-20 in an amount not to exceed \$84,112.60, which includes a 10% contingency amount for any necessary change orders.

**SECTION 2.** The City Manager is hereby authorized and directed to enter into a contract with DR Lawncare, LLC for CIP LB-20 in an amount not to exceed \$84,112.60.

**SECTION 3.** The Finance Director is authorized to make any accounting changes to revise the funding source for any contract or contract modification associated with expenditure of the funds provided herein.

**SECTION 4.** This Resolution is effective upon its adoption.

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## 21-R-69     **AUTHORIZING THE CITY MANAGER TO APPLY FOR A GRANT FOR THE 2022 STREET AND PUBLIC LANDS TREE REPLACEMENT PROGRAM (CIP LB-20).**

**WHEREAS**, the City of Hilliard owns and maintains trees on street rights-of-way and public lands in Hilliard; and



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## 21-R-69 continued:

**WHEREAS**, each year, included in the capital budget, the City provides for funding for the removal and disposal of diseased trees on street rights-of-way and public lands, as well as for the replacement of removed trees; and

**WHEREAS**, it is anticipated that the 2022 Street and Public Lands Tree Replacement Program (the “Project”) will consist of the removal of City trees infested with the Emerald Ash Borer or other deficiencies and planting new trees at specific locations; and

**WHEREAS**, in order to replace trees that have been removed due to disease, the City desires to apply for a matching fund grant from the Ohio Department of Natural Resources, Division of Forestry; and

**WHEREAS**, if awarded, the grant will fund the installation of 141 trees along Hilliard Rome Road and in Cross Creek Park.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Hilliard, Ohio that:

**SECTION 1.** The City Manager is hereby authorized and directed to apply for a \$25,000 matching fund grant from Ohio Department of Natural Resources (ODNR) Division of Forestry to install 141 trees along Hilliard Rome Road and in Cross Creek Park.

**SECTION 2.** If awarded funds, the City Manager is further authorized to enter into agreements and sign documents as may be necessary and appropriate to receive and expend grant funds in a manner consistent with the grant award.

**SECTION 3.** This Resolution is effective upon its adoption.

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